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DOCKET NO.: 205625US0 CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Mitsuru OHKUBO, et al.

SERIAL NO.: 09/865,420

FILED: MAY 29, 2001

FOR: BETA-ALANINE DERIVATIVE AND A PROCESS FOR THE PREPARATION
THEREOF

:

: GROUP ART UNIT: 1625

:

: EXAMINER: B. ROBINSON

TECH CENTER 1600/2900

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DEC 05 2001

DEC 10 2001

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ELECTION OF SPECIES REQUIREMENT RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the Official Action mailed August 1, 2001, the Applicants hereby elect with traverse the compound of Claim 21. For the Examiner's convenience, the elected compound has the following substituents:

R¹ is piperidyl

R² is carboxy

R³ is hydrogen

A¹ is ethylene,

A³ is ethylene which has phenyl,

Z is CONH,

m=0,

n=0,

ℓ=0.

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The traverse is on the basis that the claimed invention may be examined without undue burden, because the claims are directed to compounds which share common structural features. Notwithstanding the above traversal, it is the Applicant's understanding that should no prior art be found which anticipates, or renders obvious the elected species, the search of the claims will be extended, MPEP 803.02.

Early examination on the merits is now respectfully requested.

CONCLUSION

The Applicants respectfully submit that the claims are now in condition for early examination on the merits, and action on the merits is earnestly solicited.

Respectfully submitted,
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